

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) Case No. 1:19-cr-46-6
v.)
LOVEST CARTER) Judge Travis R. McDonough
) Magistrate Judge Susan K. Lee
)

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation (Doc. 172) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Count One of the 19-count Superseding Indictment; (2) accept Defendant's guilty plea as to the lesser-included offense of the charge in Count One of the Superseding Indictment, that is of conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B); (3) adjudicate the Defendant guilty of the lesser-included offense of the charge in Count One of the Superseding Indictment, that is of conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant shall remain released on bond under appropriate conditions of release until sentencing in this matter. (*Id.*) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 172) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to lesser-included offense of the charge in Count One of the Superseding Indictment, that is of conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) of the Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser-included offense of the charge in Count One of the Superseding Indictment, that is of conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser-included offense of the charge in Count One of the Superseding Indictment, that is of conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** on bond under appropriate conditions of release until sentencing in this matter which is scheduled to take place on **February 28, 2020 at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE